

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

OMID BEHJOU,

Case No: C 10-03982 SBA

Plaintiff,

## ORDER

VS.

**BANK OF AMERICA GROUP BENEFITS  
PROGRAM, BANK OF AMERICA HOME  
LOAN CORPORATION, BANK OF  
AMERICA CORPORATE BENEFITS  
COMMITTEE.**

## Defendants,

## AETNA LIFE INSURANCE COMPANY,

## Real Party in Interest,

The parties are presently before the Court on the parties' Joint Motion to Vacate Partial Summary Judgment Order, which is brought pursuant to Federal Rule of Civil Procedure 60(b)(6). Dkt. 77. The parties previously resolved their dispute at a settlement conference before Magistrate Judge Spero. In accordance with their settlement, the parties now request that the Court vacate its May 1, 2012 order on the parties' cross-motions for partial summary judgment. See Dkt. 65.<sup>1</sup>

Rule 60(b)(6) allows the Court to relieve a party from an order or final judgment “for any other reason that justifies relief.” The Supreme Court has indicated that relief under this Rule generally requires a showing of “extraordinary circumstances.” Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 864 (1988) (quoting Klapprott v. United States, 335 U.S. 601, 614-15 (1949)). Here, while the parties’ resolution of the action is

<sup>1</sup> The parties indicate that the settlement is not dependent upon the issuance of an order vacating the May 1, 2012 Order.

1 laudable, it is not an extraordinary circumstance justifying vacating the Court's May 1,  
2 2012 order. Accordingly,

3 IT IS HEREBY ORDERED THAT the parties' Joint Motion to Vacate Partial  
4 Summary Judgment Order is DENIED. This Order terminates Docket 77.

5 IT IS SO ORDERED.

6 Dated: October 29, 2012

  
7 SAUNDRA BROWN ARMSTRONG  
United States District Judge

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28